

Amendments to the Drawings:

The attached replacement drawing sheets makes changes to Figs. 1A, 1B, 2, 3A, 3B and 4-9, and replace the original sheets with Figs. 1A, 1B, 2, 3A, 3B, 4, 4A and 5-9.

Attachment: Replacement Sheets 1A, 1B, 2, 3A, 3B, 4, 4A and 5-9

REMARKS

Claims 1-3 and 5 are pending in this application. By this Amendment, the specification, the drawings and the claims are amended. No new matter is added by these amendments. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 1, objects to Figs. 1A, 1B and 2 as lacking a proper legend. Specifically, the Office Action refers to MPEP §608.02(g) which requires a legend such as prior art. Applicants respectfully submit that "related art" meets the requirements of the MPEP. However, to facilitate prosecution of this application, Applicants amend the Figures to obviate this objection.

Accordingly, reconsideration and withdrawal of the objection to the Figures is respectfully requested.

The Office Action, in paragraph 3, objects to the term "annular body" on page 9 of the specification. The drawings have been amended to obviate this objection. Specifically, Fig. 4A has been added which clearly illustrates the feature of an annular body as described in the specification.

Accordingly, reconsideration and withdrawal of the objection to the specification is respectfully requested.

The Office Action rejects claims 1-3 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner asserts that the engaging portions are not specifically identified. Claim 1 has been amended to obviate this rejection.

Further, the Office Action rejects claim 5 as depending from canceled claim 4. Claim 5 has been amended to obviate this rejection.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-3 and 5 is respectfully requested.

The Office Action, in paragraph 8, rejects claims 1, 3 and 5 under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. (U.S. Patent No. 6,000,766) in view of Krolak et al. (U.S. Patent No. 4,134,622). The Office Action, in paragraph 9, rejects claim 2 as being unpatentable under 35 U.S.C. §103(a) over Takeuchi et al. in view of Krolack et al. as applied to claim 1 above, and further in view of what is alleged to be Applicants' admitted prior art from Figs. 1A, 1B and 2. Applicants respectfully traverse these rejections.

The Office Action, in Response to Arguments, improperly asserts that "[f]urther, the argument concerning the alleged lack of a teaching, motivation, or suggestion existing the references is moot inasmuch as this type of argument has been foreclosed by the Supreme Court decision in KSR International CO. v. Teleflex Inc., 82, USPQ2d 1385." As evidenced by MPEP §2143(G), which states that "[s]ome teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention," may be an exemplary rationale that may support a conclusion of obviousness. Further, MPEP §2141(III) states, "[a]lthough the Supreme Court in KSR cautioned against an overly rigid application of TSM, it also recognized that TSM was one of a number of valid rationales that could be used to determine obviousness."

In light of the above, the Office Action fails to properly support with a clear and explicit articulation of the reason(s) why the claimed invention allegedly would have been obvious (including a reasonable rationale as to why prior art references would have been combined or modified). As stated in MPEP §§2141(III) and 2142, citing KSR. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

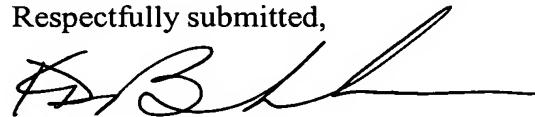
At the top of page 5, the Office Action asserts that "[f]rom this teaching it would have been obvious to fix a skirt to the frame of the device of Takeuchi et al. adjacent to the track to prevent build-up of mud or debris on the track. The skirt could be called a guide member as it would be set close enough to the track to guide it." However, Applicants respectfully submit that this statement does not provide any support as to a reasonable expectation of success as stipulated in MPEP §2143(E). The Office Action fails to address, beyond a conclusory statement, why it would have been obvious for a person of ordinary skill, having good reason to pursue the known options within his or her technical grasp. The Office Action does assert, albeit for a different reason, that "those of ordinary skill could readily determine how to attach a skirt to the track and frame assembly of Takeuchi with or without modification to any of the elements of Takeuchi et al. as necessary," does not touch "a reasonable expectation of success," but merely that one skilled in the art may have the technical skills.

As discussed above, the Applicants do not agree that the Office Action establishes a *prima facie* case of obviousness. However, in order to further prosecution of this application, Applicants voluntarily amend independent claim 1 to recite "the guide skirt body comprises an annular body and is provided closer to an upper part of the drive wheel than a lower part thereof." The applied references, in any permissible combination, fail to teach, nor would they have suggested, the above feature, as illustrated in Fig. 4A and discussed in at least paragraph [0030] of the Applicants' specification.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 and 5 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Kirk D. Berkhimer
Registration No. 59,874

JAO:KDB

Attachments:

Replacement Sheets 1A, 1B, 2, 3A, 3B, 4, 4A and 5-9
Petition for Extension of Time
Request for Continued Examination

Date: March 14, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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